



DEPARTMENT OF COMMERCE

International Trade Administration

[C-570-054]

Certain Aluminum Foil from the People's Republic of China: Preliminary Results of Countervailing Duty Administrative Review and Rescission of Review, in Part; 2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that producers and exporters of certain aluminum foil (aluminum foil) from the People's Republic of China (China) received countervailable subsidies during the period of review (POR), January 1, 2019, through December 31, 2019.

DATES: Applicable [Insert date of publication in the *Federal Register*].

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SUPPLEMENTARY INFORMATION:

Background

On April 19, 2018, Commerce published in the *Federal Register* the countervailing duty order on aluminum foil from China.¹ On April 1, 2020, Commerce published in the *Federal Register* a notice inviting interested parties to request a review of the *Order* for the POR. On April 30, 2020, we received timely review requests for 33 companies.² On June 8, 2020,

¹ See *Certain Aluminum Foil from the People's Republic of China: Amended Final Affirmative Countervailing Duty Determination and Countervailing Duty Order*, 83 FR 17360 (April 19, 2018) (*Order*).

² See Petitioners' Letter "Countervailing Duty Order on Certain Aluminum Foil from the People's Republic of China – Petitioners' Request for 2019/2020 Administrative Review," dated April 30, 2020 (Petitioners' Review Request); Valeo's Letter "Aluminum Foil from the People's Republic of China: Request for Administrative Review," dated April 30, 2020 (Valeo's Review Request); Xiashun's Letter, "Aluminum Foil from the People's Republic of China: Request for Administrative Review," dated April 30, 2020 (Xiashun's Review Request); Dingsheng Companies' Letter, "Request for Administrative Review of the Countervailing Duty Order on Aluminum

Commerce published a notice of initiation of an administrative review of the *Order*, covering the requested companies.³ On July 21, 2020, Commerce tolled all deadlines in administrative reviews by 60 days, thereby extending the deadline for the preliminary results until March 1, 2021.⁴ As explained below, on September 8, 2020, the Aluminum Association Trade Enforcement Working Group (the petitioners) withdrew their review requests with respect to certain companies.⁵ On February 26, 2021, Commerce fully extended the deadline for these preliminary results until June 29, 2021.⁶

For a complete description of the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.⁷ A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <http://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at <http://enforcement.trade.gov/frn/>.

Scope of the *Order*

The product covered by the *Order* is aluminum foil from China. For a complete description of the scope of the *Order*, *see* the Preliminary Decision Memorandum.

Methodology

Foil from the People's Republic of China (C-570-054)," dated April 30, 2020 (Dingsheng Companies' Review Request); and Zhongji Companies' Letter, "Certain Aluminum Foil from the Peoples Republic of China: Request for Second Administrative Review," (Zhongji Companies' Review Request).

³ *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 35068 (June 8, 2020) (*Initiation Notice*).

⁴ *See* Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews," dated July 21, 2020.

⁵ The petitioners withdrew their requests for review of all companies for which they had requested a review, except those companies covered by other parties' review requests. *See* Petitioners' Letter, "2nd Administrative Review of the Countervailing Duty Order on Certain Aluminum Foil from the People's Republic of China – Petitioners' Withdrawal of Certain Requests for Administrative Reviews," dated September 8, 2020 (Petitioner's Withdrawal of Review Requests).

⁶ *See* Memorandum, "Certain Aluminum Foil from the People's Republic of China: Extension of Deadline for Preliminary Results of Countervailing Duty Administrative Review; 2019," dated February 26, 2021.

⁷ *See* Preliminary Decision Memorandum.

Commerce is conducting this review in accordance with section 751(a)(1)(A) of the Tariff Act of 1930, as amended (the Act). For each of the subsidy programs found countervailable, we preliminarily determine that there is a subsidy, *i.e.*, a financial contribution by an “authority” that gives rise to a benefit to the recipient, and that the subsidy is specific.⁸ For a full description of the methodology underlying our conclusions, *see* the accompanying Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available and, because it finds that the Government of China did not act to the best of its ability to respond to Commerce’s requests for certain information, it drew an adverse inference, where appropriate, in selecting from among the facts otherwise available. For further information, *see* the Preliminary Decision Memorandum at “Use of Facts Otherwise Available and Adverse Inferences.”

Rescission of Administrative Review, in Part

Pursuant to 19 CFR 351.213(d)(1), Commerce will rescind an administrative review, in whole or in part, if the party or parties that requested a review withdraw the request within 90 days of the publication date of the notice of initiation of the requested review. As noted above the petitioner timely withdrew its requests for review of certain companies. Because no other party requested a review of these companies, and in accordance with 19 CFR 351.213(d)(1), we are rescinding the review with respect to these companies.⁹ Therefore, we are rescinding this administrative review with respect to: (1) Baotou Alcha Aluminum Co., Ltd.; (2) Granges Aluminum (Shanghai) Co., Ltd.; (3) Guangxi Baise Xinghe Aluminum Industry Co., Ltd.; (4) Huaфон Nikkei Aluminium Corporation; (5) Jiangsu Zhongji Lamination Materials Stock Co., Ltd.; (6) Jiangyin Dolphin Pack Ltd. Co.; (7) Shandong Yuanrui Metal Material Co., Ltd.; (8) Suntown Technology Group Limited; (9) Suzhou Manakin Aluminum Processing Technology

⁸ *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

⁹ As explained above, the petitioners withdrew their requests for review of all companies for which they had requested a review, except those companies covered by other parties’ review requests.

Co., Ltd.; (10) Yantai Donghai Aluminum Foil Co., Ltd.; (11) Yantai Jintai International Trade Co., Ltd.; and (12) Zhejiang Zhongjin Aluminum Industry Co., Ltd.¹⁰

Preliminary Results

Commerce preliminarily determines that, during the POR, the following countervailable subsidy rates exist:

¹⁰ Of the 33 companies for which we initiated a review in the *Initiation Notice*, 16 were subject to the review requests of other interested parties: (1) Alcha International Holdings Limited; (2) Anhui Maximum Aluminium Industries Company Ltd.; (3) Dingsheng Aluminum Industries (Hong Kong) Trading Co. Ltd.; (4) Hangzhou Dingsheng Import & Export Co. Ltd. (5) Hangzhou Five Star Aluminum Co., Ltd.; (6) Hunan Suntown Marketing Limited; (7) Jiangsu Alcha Aluminum Co., Ltd.; (8) Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; (9) Jiangsu Huafeng Aluminum Industry Co., Ltd.; (10) Jiangsu Zhongji Lamination Materials Co., Ltd.; (11) Jiangsu Zhongji Lamination Materials Co., (HK) Limited; (12) Shantou Wanshun Package Material Stock Co., Ltd.; (13) SNTO International Trade Limited; (14) Suntown Technology Group Corporation Limited; (15) Xiamen Xiashun Aluminum Foil Co., Ltd.; and (16) Yinbang Clad Material Co., Ltd. Among the 16 companies included in the petitioners' review request, for which no other interested party requested a review, and for which the petitioners have withdrawn their request, five were found to have been cross-owned in the *Final Determination* with companies subject to this review: (1) Hangzhou DingCheng Aluminum Co., Ltd.; (2) Hangzhou Dingsheng Industrial Group Co. Ltd.; (3) Hangzhou Teemful Aluminum Co., Ltd.; (4) Luoyang Longding Aluminium Industries Co., Ltd.; and (5) Walson (HK) Trading Co., Limited. Because these five companies were previously found to be cross-owned with a company which is subject to this review, we preliminarily intend not to rescind the review with respect to these five companies. See Petitioners' Review Request; Dingsheng Companies' Review Request; Valeo's Review Request; Xiashun's Review Request, Zhongji Companies' Review Request; Petitioner's Withdrawal of Review Requests; *Initiation Notice*; and *Order*.

Company	Subsidy Rate (percent <i>ad valorem</i>)
Alcha International Holdings Limited	23.34
Anhui Maximum Aluminum Industries Company Ltd.; Jiangsu Huafeng Aluminum Industry Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., (HK) Limited; and Shantou Wanshun Package Material Stock Co., Ltd. ¹¹	23.34
Dingsheng Aluminum Industries (Hong Kong) Trading Co., Ltd.; Hangzhou DingCheng Aluminum Co., Ltd.; Hangzhou Dingsheng Import & Export Co. Ltd.; Hangzhou Dingsheng Industrial Group Co. Ltd.; Hangzhou Five Star Aluminum Co., Ltd.; Hangzhou Teemful Aluminum Co., Ltd.; Jiangsu Dingsheng New Materials Joint Stock Co., Ltd.; Luoyang Longding Aluminium Industries Co., Ltd.; and Walson (HK) Trading Co., Limited. ¹²	23.34
Hunan Suntown Marketing Limited	23.34
Jiangsu Alcha Aluminum Co., Ltd.	305.07
SNTO International Trade Limited	23.34
Suntown Technology Group Corporation Limited	23.34
Xiamen Xiashun Aluminium Foil Co. Ltd.	23.34
Yinbang Clad Material Co., Ltd.	23.34

Assessment Rates

Consistent with section 751(a)(2)(C) of the Act, upon issuance of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries covered by this review. We intend to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries

¹¹ In the first administrative review of the *Order*, Commerce found the following companies to be cross-owned: Anhui Maximum Aluminum Industries Company Ltd.; Jiangsu Huafeng Aluminum Industry Co. Ltd.; Jiangsu Zhongji Lamination Materials Co., Ltd.; Jiangsu Zhongji Lamination Materials Co., (HK) Ltd.; Shantou Wanshun Material Stock Co., Ltd.; and Anhui Maximum Aluminum Industries Company Limited. The subsidy rate applies to all cross-owned companies. *See Certain Aluminum Foil from the People's Republic of China: Final Results of the Countervailing Duty Administrative Review; 2017–2018*, 86 FR 12171 (March 2, 2021).

¹² In the investigation, Commerce found the following companies to be cross-owned: Dingsheng Aluminum Industries (Hong Kong) Trading Co., Ltd.; Hangzhou DingCheng Aluminum Co., Ltd.; Hangzhou Dingsheng Import & Export Co. Ltd.; Hangzhou Dingsheng Industrial Group Co. Ltd.; Hangzhou Five Star Aluminum Co., Ltd.; Hangzhou Teemful Aluminum Co., Ltd.; Jiangsu Dingsheng New Materials Joint-Stock Co., Ltd.; Luoyang Longding Aluminum Co., Ltd.; and Walson (HK) Trading Co., Limited. The subsidy rate applies to all cross-owned companies. *See Order*.

until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For 12 companies for which this review is rescinded with these preliminary results, Commerce will instruct CBP to assess countervailing duties on all appropriate entries at a rate equal to the cash deposit of estimated countervailing duties required at the time of entry, or withdrawal from warehouse, for consumption, during the period January 1, 2019, through December 31, 2019, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue appropriate assessment instructions directly to CBP no later than 35 days after publication of this notice in the *Federal Register*.

Cash Deposit Requirements

Pursuant to section 751(a)(1) of the Act, upon issuance of the final results, Commerce intends to instruct CBP to collect cash deposits of estimated countervailing duties for each of the companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review, except where the rate calculated in the final results is zero or *de minimis*, no cash deposit will be required. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the most recent company-specific or all-others rate applicable to the company, as appropriate. These cash deposit instructions, when imposed, shall remain in effect until further notice.

Disclosure and Public Comment

We will disclose to parties to this proceeding the calculations performed in reaching the preliminary results within five days of the date of publication of these preliminary results.¹³ Interested parties may submit written comments (case briefs) within 30 days of publication of the preliminary results and rebuttal comments (rebuttal briefs) within seven days after the time limit

¹³ See 19 CFR 224(b).

for filing case briefs.¹⁴ Pursuant to 19 CFR 351.309(d)(2), rebuttal briefs must be limited to issues raised in the case briefs. Parties who submit arguments are requested to submit with the argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.¹⁵ Note that Commerce has modified certain of its requirements for serving documents containing business proprietary information, until further notice.¹⁶

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, **U.S. Department of Commerce**, within 30 days after the date of publication of this notice.¹⁷ Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. Issues addressed during the hearing will be limited to those raised in the briefs.¹⁸ If a request for a hearing is made, Commerce will inform parties of the scheduled date of the hearing.¹⁹ Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Parties are reminded that all briefs and hearing requests are to be filed electronically using ACCESS and received successfully in their entirety by 5:00 **p.m. Eastern Time** on the due date.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, Commerce intends to issue the final results of this administrative review, including the results of our analysis of the issues raised by the parties in their comments, within 120 days after publication of these preliminary results.

Notification to Interested Parties

¹⁴ See 19 CFR 351.309(c)(1)(ii) and 351.309(d)(1); see also *Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period*, 85 FR 41363 (July 10, 2020) (*Temporary Rule*)

¹⁵ See 19 CFR 351.309(c)(2) and 351.309(d)(2).

¹⁶ See *Temporary Rule*.

¹⁷ See 19 CFR 351.310(c).

¹⁸ See 19 CFR 351.310(c).

¹⁹ See 19 CFR 351.310.

This administrative review and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213 and 351.221(b)(4).

Dated: June 29, 2021.

Christian Marsh,
Acting Assistant Secretary
for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Rescission of Administrative Review, in Part
- IV. Non-Selected Companies Under Review
- V. Scope of the Order
- VI. Diversification of China's Economy
- VII. Subsidies Valuation
- VIII. Interest Rates, Discount Rates, and Benchmark Prices
- IX. Use of Facts Otherwise Available and Adverse Inferences
- X. Analysis of Programs
- XI. Recommendation